

# EXHIBIT C

**From:** [Sarah Schuster](#)  
**To:** [Gringer, David](#)  
**Cc:** [Martin, Shelby L.](#); [Herzberg, Arielle K.](#); [Robert Raymar GL](#); [568\\_litigation@gilbertlitigators.com](#); [568 Litigation](#); [Robert Raymar](#)  
**Subject:** Re: 568 - Deposition of Elaine Varas

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David,

I apologize, I misunderstood your point about Varas' deposition notice and did not realize notice had not yet been served. You will receive the document shortly.

Regards,  
Sarah

On Wed, Jul 26, 2023 at 8:26 PM Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:  
Sarah,

With fewer than seven days before Ms. Varas' deposition, we have still not received a notice. We therefore assume that plaintiffs have decided to cancel the deposition and in the morning we will release the hold that we have on Ms. Varas' schedule for August 2. Penn will be following up regarding appropriate relief. If you wish to proceed as scheduled, please send us a proper notice no later than 10 AM tomorrow.

As for your suggestion that your email below suffices as an explanation, you are mistaken. You have not explained why you need to take Ms. Varas' deposition now and you certainly have not explained why 18 months into this case, you cannot think of any 30b6 topics if you must proceed now. What we will tell the Court at the appropriate time is that you are either seeking to harass us or you do not have your act together.

Sincerely,  
David

**David Gringer | WilmerHale**

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+1 212 230 8864 (o)  
+1 917 747 0731 (c)  
[david.gringer@wilmerhale.com](mailto:david.gringer@wilmerhale.com)

---

**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>  
**Sent:** Thursday, July 20, 2023 1:42:52 PM  
**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>  
**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com) <[568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com)>; 568 Litigation

<568\_Litigation@fnf.law>; Robert S. Raymar <[RSRaymar@hlgsllaw.com](mailto:RSRaymar@hlgsllaw.com)>

**Subject:** Re: 568 - Deposition of Elaine Varas

**EXTERNAL SENDER**

David,

Your assertion that Plaintiffs have “refused to offer any explanation for [our] position” is false, as shown by the previous correspondence in this email chain.

However, for the avoidance of any doubt, I have pasted below the detailed explanation of Plaintiffs’ position that was set forth in my June 30 email (6:26 p.m. ET):

*Regarding your proposal that Plaintiffs serve a 30(b)(6) notice by next week, we do not intend to conduct a 30(b)(6) deposition on August 2. As you are aware, depositions of Defendants have just begun, Defendants (including Penn) are still producing documents, and no deposition of Penn has yet occurred, so issuing a 30(b)(6) deposition notice at this time would be premature.*

*While we appreciate your clarification that Ms. Varas will likely serve as at least one of Penn’s 30(b)(6) witnesses, the Court’s Order from January 12 states that Plaintiffs are entitled to depose any 30(b)(1) witness for up to 7 hours and may conduct a 30(b)(6) deposition of up to 14 hours. Per this Order, once Plaintiffs notice Penn’s 30(b)(6) deposition, Plaintiffs will meet and confer about the appropriate number of hours to allocate to the witnesses you identify as 30(b)(6) deponents to the extent those witnesses have already been deposed as 30(b)(1) witnesses, as you suggest may be the case for Ms. Varas.*

*However, Plaintiffs are not obligated to provide notice of proposed 30(b)(6) deposition topics in advance of Ms. Varas’ individual deposition. Indeed, the FRCP’s recent amendment requires that parties meet and confer about the matters for examination before a 30(b)(6) deposition may be taken, which is likely to be an iterative process. We will engage fully in this process in advance of any 30(b)(6) deposition, but Plaintiffs do not wish (and are under no obligation) to delay Ms. Varas’ individual deposition to do so.*

On Wed, Jul 19, 2023 at 3:49 PM Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:

Sarah,

I’m not sure what rights you are reserving—you do not have the right to harass and unduly burden our witnesses. Otherwise, we expect you to oppose our motion, though we will certainly be attaching this correspondence that shows conclusively that you refused to offer any explanation for your position.

When should we expect to receive a notice for Ms. Varas' deposition?

Sincerely,

David

**David Gringer | WilmerHale**

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---

**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>  
**Sent:** Wednesday, July 19, 2023 12:26 PM  
**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>  
**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[rmar@gilbertlitigators.com](mailto:rmar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com); 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>; Robert S. Raymar <[RSRaymar@hlgsllaw.com](mailto:RSRaymar@hlgsllaw.com)>  
**Subject:** Re: 568 - Deposition of Elaine Varas

<b>EXTERNAL SENDER</b>
------------------------

David,

Thank you for confirming the location of Ms. Varas' deposition. However, as Plaintiffs explained below, we disagree with your position regarding Rule 30(b)(6), will oppose any motion made by Penn to quash, and reserve all rights.

Sincerely,

Sarah

--

Sarah E. Schuster  
Senior Associate  
Gilbert Litigators & Counselors, P.C.  
Cell: 585-315-7885  
[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)  
[www.gilbertlitigators.com](http://www.gilbertlitigators.com)

On Tue, Jul 18, 2023 at 2:56 PM Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:

Sarah,

We want to remind you again that Plaintiffs are proceeding with Ms. Varas' deposition on August 2 with the express understanding that Penn will seek to quash any later-served Rule 30(b)(6) topic for which Ms. Varas would serve as Penn's representative, likely including anything to do with the 568 Group, Penn's policies and practices regarding financial aid, and Penn's commitment to need-blind admissions.

With that understanding reiterated, as I informed you on July 13 in person, Penn will host Ms. Varas' individual deposition on August 2.

The address is below:

**FMC Tower at Cira Centre South**  
**2929 Walnut Street, Suite 400**

Philadelphia, PA 19104-5099

We will need a list of anticipated attendees (including the Court reporter and videographer) for security.

Sincerely,

David

**David Gringer | WilmerHale**

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[david.gringer@wilmerhale.com](mailto:david.gringer@wilmerhale.com)

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---

**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>

**Sent:** Friday, June 30, 2023 6:26 PM

**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>

**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[r-raymar@gilbertlitigators.com](mailto:r-raymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com); 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>; Robert S. Raymar <[RSRaymar@hlgsllaw.com](mailto:RSRaymar@hlgsllaw.com)>

**Subject:** Re: 568 - Deposition of Elaine Varas

**EXTERNAL SENDER**

David,

Thank you for confirming Ms. Varas' availability. Plaintiffs are available August 2, but would like to confirm that the deposition will take place in Philadelphia. If so, Plaintiffs' firm Berger Montague should be able to host the deposition at their offices.

Regarding your proposal that Plaintiffs serve a 30(b)(6) notice by next week, we do not intend to conduct a 30(b)(6) deposition on August 2. As you are aware, depositions of Defendants have just begun, Defendants (including Penn) are still producing documents, and no deposition of Penn has yet occurred, so issuing a 30(b)(6) deposition notice at this time would be premature.

While we appreciate your clarification that Ms. Varas will likely serve as at least one of Penn's 30(b)(6) witnesses, the Court's Order from January 12 states that Plaintiffs are entitled to depose any 30(b)(1) witness for up to 7 hours and may conduct a 30(b)(6) deposition of up to 14 hours. Per this Order, once Plaintiffs notice Penn's 30(b)(6) deposition, Plaintiffs will meet and confer about the appropriate number of hours to allocate to the witnesses you identify as 30(b)(6) deponents to the extent those witnesses have already been deposed as 30(b)(1) witnesses, as you suggest may be the case for Ms. Varas.

However, Plaintiffs are not obligated to provide notice of proposed 30(b)(6) deposition topics in advance of Ms. Varas' individual deposition. Indeed, the FRCP's recent amendment requires that parties meet and confer about the matters for examination *before* a 30(b)(6) deposition may be taken, which is likely to be an iterative process. We will engage fully in this process in advance of any 30(b)(6) deposition, but Plaintiffs do not wish (and are under no obligation) to delay Ms. Varas' individual deposition to do so.

Sincerely,

Sarah

--

Sarah E. Schuster  
Senior Associate  
Gilbert Litigators & Counselors, P.C.

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On Tue, Jun 27, 2023 at 2:29 PM Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:

Sarah,

Ms. Varas is available August 2-4 the week that you requested.

Sincerely,

David

**David Gringer | WilmerHale**  
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+1 212 230 8864 (o)  
+1 917 747 0731 (c)  
[david.gringer@wilmerhale.com](mailto:david.gringer@wilmerhale.com)

---

**From:** Gringer, David  
**Sent:** Monday, June 26, 2023 5:34:36 PM  
**To:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>  
**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com) <[568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com)>; 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>  
**Subject:** RE: 568 - Deposition of Elaine Varas

Sarah,

We will let you know Ms. Varas' availability promptly.



We did want to raise another concern: it is likely that Ms. Varas would be Penn's designee on certain 30b6 topics you might intend to serve at some point. While we know this has been a subject previously discussed with the parties and the court, Penn believes sufficient time has passed that Plaintiffs can certainly serve a Rule 30(b)(6) notice this week or next so we can assess the topics for which Ms. Varas is the appropriate designee and ensure that she is sufficiently prepared to testify on those topics. If not, we encourage you to hold off on Ms. Varas' deposition until you are in a position to do so.

Sincerely,

David

**David Gringer | WilmerHale**

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---

**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>  
**Sent:** Monday, June 26, 2023 8:30 AM  
**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>  
**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com); 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>

**Subject:** Re: 568 - Deposition of Elaine Varas

**EXTERNAL SENDER**

David,

Plaintiffs have assessed the discovery Penn has provided and believe it will allow us to proceed with Ms. Varas' deposition during the week of July 31-August 4. Please let us know your and Ms. Varas' availability for that week.

Sincerely,

Sarah

On Fri, Jun 16, 2023 at 3:10 PM Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:

Sarah,

Once you answer Penn's question and confirm that you are prepared to proceed, we will get back to you with dates.

Sincerely,

David

**David Gringer | WilmerHale**

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**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>  
**Sent:** Friday, June 16, 2023 2:50 PM  
**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>  
**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com); 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>  
**Subject:** Re: 568 - Deposition of Elaine Varas

**EXTERNAL SENDER**

David,

Thank you for confirming that Penn has completed its production of documents responsive to Plaintiffs' first set of RFPs. We understand your question, and while our preparation for Ms. Varas' deposition is in progress, it is helpful for us to know that we are in possession of all documents responsive to the first set of RFPs as we complete our review. That being said, Ms. Varas appears on a large number of documents that we have already identified. Therefore, to avoid any potential delays of the type you describe, let's try to find a date in the first week of August, specifically July 31-August 4, for Ms. Varas' deposition. Please let us know your and Ms. Varas' availability for that week and whether you plan to host the deposition.

Sincerely,

Sarah

On Thu, Jun 15, 2023 at 10:52 PM Gringer, David  
<[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:

Sarah,

Penn's question was whether Plaintiffs know that they are prepared to proceed with Ms. Varas' deposition during the weeks of July 17 or July 24. It sounds to me like Plaintiffs may not be but your email isn't entirely clear. If helpful to Plaintiffs' evaluation of their ability to proceed, Penn has complied with the Court's orders regarding the timing of its document productions. We do anticipate producing a few documents for Mr. McLaughlin before June 30 responsive to the Second and Third Set of RFPs and a larger number of documents for Ms. Varas responsive to the Second and Third Set of RFPs before June 30.

Sincerely,

David

**David Gringer | WilmerHale**

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---

**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>  
**Sent:** Tuesday, June 13, 2023 5:02 PM  
**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>  
**Cc:** Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>; Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com); 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>  
**Subject:** Re: 568 - Deposition of Elaine Varas

**EXTERNAL SENDER**

David,

Thank you for your email. In light of your response, Plaintiffs would like confirmation that Penn has produced everything responsive to Plaintiffs' first set of RFPs, and especially, all responsive documents in which John McLaughlin or Elaine Varas is named.

As you know, per the Case Management Order (Dkt. 195), Defendants were to have substantially completed production of documents responsive to Plaintiffs' first set of RFPs by March 3, 2023. As you also know, the Court ordered Defendants to fully complete production by May 15, 2023, including documents requiring FERPA redaction. Apr. 20, 2023 Hr'g Tr. 10:5-14.

To that end, **please provide confirmation by Thursday, June 15** that Penn has completed its production of all documents responsive to Plaintiffs' first set of RFPs, including, but not limited to, all responsive documents in which John McLaughlin or Elaine Varas is named.

Sincerely,

Sarah

On Mon, Jun 12, 2023 at 10:34 AM Gringer, David

<[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)> wrote:

Sarah,

Thank you for your email. Before we proceed with identifying a date for Ms. Varas' deposition, we want to make sure that Plaintiffs actually plan to proceed with Ms. Varas' deposition during the weeks you have identified, and that you have assessed the discovery Penn has provided and believe that it will allow you to take the deposition as scheduled. We have observed that Plaintiffs have rescheduled numerous depositions after a date has been agreed upon, and before we go through the effort of scheduling, it's important that we know that this is a date that is likely to hold. We of course understand that things happen, people get sick, conflicts emerge, etc. But Penn expects that when you notice a deposition, you have already made the assessment that the deposition can proceed based on materials you possess and documents that you have reviewed. If our assumption is mistaken, please let us know once you have made that assessment, and we will then proceed with identifying a date.

Sincerely,

David

**David Gringer | WilmerHale**

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**From:** Sarah Schuster <[sschuster@gilbertlitigators.com](mailto:sschuster@gilbertlitigators.com)>

**Sent:** Friday, June 9, 2023 3:56 PM  
**To:** Gringer, David <[David.Gringer@wilmerhale.com](mailto:David.Gringer@wilmerhale.com)>; Martin, Shelby L. <[Shelby.Martin@wilmerhale.com](mailto:Shelby.Martin@wilmerhale.com)>; Herzberg, Arielle K. <[Arielle.Herzberg@wilmerhale.com](mailto:Arielle.Herzberg@wilmerhale.com)>  
**Cc:** Robert Raymar <[rraymar@gilbertlitigators.com](mailto:rraymar@gilbertlitigators.com)>; [568\\_litigation@gilbertlitigators.com](mailto:568_litigation@gilbertlitigators.com); 568 Litigation <[568\\_Litigation@fnf.law](mailto:568_Litigation@fnf.law)>  
**Subject:** 568 - Deposition of Elaine Varas

**EXTERNAL SENDER**

Counsel,

Plaintiffs intend to take the deposition of Elaine Varas towards the end of July. Please let us know your and Ms. Varas' availability for deposition the weeks of July 17 and July 24. Please also advise whether WilmerHale intends to host the deposition. We will serve a notice of deposition upon confirmation of availability and location.

Regards,

Sarah

--

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Senior Associate



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